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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LAWRENCE JR, FRANK M

ART UNIT PAPER NUMBER

1724

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/665,342

Applicant(s)

GORBULSKY, JACOB

Examiner

Frank M. Lawrence

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a *single paragraph*.

2. The disclosure is objected to because of the following informalities: In line 2 of claims 1 and 10, “partually” should be changed to “partially.”

Appropriate correction is required.

### *Drawings*

3. The drawings are objected to because each figure must be labeled individually. It is suggested that each drawing page be submitted with figure labels, such as “Figure 1A” and “Figure 1B” for the two figures on page 1, and so on with the other pages. The specification should also be amended to change each reference to “Fig 1” to “Figs. 1A and 1B” as well as for the other references. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any

Art Unit: 1724

portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 1 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: In claims 1 and 10, no linking structure is recited between the drum and vessel. To overcome this rejection, the third section of each claim should be changed to read, “a rotating drum disposed in said vessel...” Claims 2-9 and 11-18 are rejected for depending from a rejected base claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1724

8. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Morton (1,762,560).

9. Morton '560 teaches a liquid filtering system comprising a rotating filter drum (3), a pipe (5) reaching inside of the drum for pumping liquid out, and a tank (2) surrounding the drum, wherein the outlet pipe is connected to the tank at a stuffing box (10) and enters the drum through an outlet duct (figures, page 2, lines 3-34).

10. Claims 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Himes et al. (4,135,894).

11. Himes et al. '894 teach a system for removing pollutants from a gas, comprising a vessel (2) partially filled with a scrubbing liquid, a rotating drum covered by a filtering material (6) and having an outlet (12) for removing treated gas, a motor (24) for rotating the drum, and nozzles (34) for spraying the drum with liquid, wherein a pressure differential causes liquid to be pumped from the vessel into the drum, and wherein gas enters the drum through the filtering material (see figures, col. 2, line 45 to col. 3, line 59). The scrubbing liquid may be water or other solutions of acids, alkalies, or salts (col. 4, lines 17-29). The functional limitations of claims 11-15 and 18 do not limit the claimed structure in any way that distinguishes over the structure of the Himes et al. device.

12. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Valazza (3,306,591).

13. Valazza '591 teaches an evaporative cooler that removes pollutants from air, comprising a vessel (12) partially filled with water, a rotating drum (17) having an inlet (42) for receiving gas, a filter material (23) covering the drum surface and transmitting treated gas, a motor (32) for rotating the drum, water supply pipes (54) with apertures (5) for spraying the filter material with

Art Unit: 1724

water, a separating vessel (47) for receiving water from the inside of the drum, and a pump (49) for pumping separated water to the supply pipes (see figures, col. 2, line 35 to col. 3, line 44, col. 6, lines 1-18). The functional limitations of claims 2-6 and 9 do not limit the claimed structure in any way that distinguishes over the structure of the Valazza device.

14. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Laycock et al. (282,994).

15. Laycock et al. '994 teach a gas scrubber comprising a vessel partially filled with water, a plurality of rotating drums coated with a wire netting filtering material (M') through which gas enters and exits the drum, and a shaft (R) for rotating the drum (see figures, page 2, lines 12-90). The functional limitations of claims 2-6, 9, 11-15 and 18 do not limit the claimed structure in any way that distinguishes over the structure of the Laycock et al. device.

### ***Conclusion***

16. It appears that applicant is working *pro se* without an attorney or agent. The following claim 20 drafted by the examiner and considered to distinguish patentably over the art of record in this application, is presented to applicant for consideration:

Claim 20. An apparatus for removal of pollutants within treated gas, comprising:  
a vessel partially filled with liquid and having an inlet duct for receiving untreated gas and an outlet duct for removing treated gas,  
a rotating drum disposed within the vessel for receiving a flow of untreated gas,  
a surface of the drum made of filter material through which gas enters or exits the drum,

Art Unit: 1724

means for rotating said drum, and  
a pipe reaching inside of the rotating drum for pumping liquid from the drum interior, wherein the pipe is attached to and extends through the inlet duct or outlet duct.

With applicants permission, the examiner can add this claim to the application and change claims 2-9 to depend from it, as well as making the other suggested corrections to the specification.

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional references listed on the attached PTO-892 form disclose rotating drum filters.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Lawrence whose telephone number is 571-272-1161. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frank M. Lawrence  
Primary Examiner  
Art Unit 1724

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*Frank Lawrence*  
1-7-05